IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1102 OF 2005

WITH

CIVIL APPLICATION NO.1204 OF 2005

A.R.Sampatkumar ..Appellant.

Vs.

The Mysore CHS Ltd. & Ors. ..Respondents.

....

Mr.M.N.Morje for the Appellant.

Ms.R.J.Peerbhoy for Respondent Nos.1 to 3.

Mr.A.D.Chandra Bose for Respondent Nos.4 to 8.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

12th December, 2005.

P.C. :

The Learned Trial Judge was justified in vacating the order of ad interim injunction in view of the order dated 31st August, 2005 passed by this Court in Writ Petition 1125 of 2005. This Court has in its order clarified that a mere nomination

does not confer title or ownership and the Appellant is entitled to pursue his remedy in law for the purpose of establishing his title or ownership in respect of the property in dispute. The relief which the Appellant prays is inter alia in respect of the devolution of the property upon him. Prayer clause (c) in the plaint is to the effect that the alleged will in respect of the transfer of property is invalid and not binding on the Appellant. It is open to the Appellant to institute a substantive suit for the administration of the estate of the deceased. At this stage, the order of the Trial Court vacating the ad interim relief does not call for any interference, since it is open to the Appellant to have recourse to the correct forum for espousing his claim. The Appeal from Order is accordingly dismissed.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.